

**Weil, Gotshal & Manges LLP**

BY ECF

767 Fifth Avenue  
New York, NY 10153-0119  
+1 212 310 8000 tel  
+1 212 310 8007 fax

**Jonathan D. Polkes**  
+1 212 310 8881  
jonathan.polkes@weil.com

September 24, 2021

Hon. John P. Cronan  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1320  
New York, NY 10007

Re: *Chad Lindsey Moshell v. Sasol Ltd., et al.*, Case 1:20-CV-01008 (JPC) (S.D.N.Y.)

Dear Judge Cronan:

We write on behalf of Defendants Sasol Limited, David Edward Constable, Bongani Nqwababa, Stephen Cornell, Paul Victor, and Stephan Schoeman (collectively, “Defendants”) in the above-referenced action. Defendants respectfully request leave, under Rule 4(B) of this Court’s Individual Rules and Practices in Civil Cases (the “Individual Rules”), to file under seal Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for Class Certification (“Opposition”) and accompanying exhibits (“Exhibits”), and to publicly file a redacted form thereof. Defendants have attached all Exhibits to the Declaration of Luna N. Barrington in Support of Defendants’ Motion to Seal (the “Barrington Declaration”).

The redacted material in the Opposition includes quotations from documents previously filed in connection with Defendants’ Motion for Reconsideration of the Court’s August 24, 2020 Memorandum Order, Motion for Sanctions, and Motion for Stay of Discovery [ECF No. 104] and Defendants’ Supplemental Memorandum in Support of Defendants’ Motion for Reconsideration of the Court’s August 24, 2020 Memorandum Order and Motion for Sanctions [ECF No. 114]. The Court previously granted Defendants’ request to file those documents under seal. [See ECF Nos. 107, 121, 125.] Specifically, the Opposition quotes from the already-sealed exhibits and transcripts revealing the Confidential Witnesses’ identities. In the November 2, 2020 Order [ECF No. 107 at 2] sealing these materials, the Court found “that the Confidential Witnesses’ privacy interests outweigh the presumption of public access to the information contained in the limited proposed redactions.” [Id.] In the January 6, 2021 Order [ECF No. 121 at 4] sealing these materials, the Court found “that the Confidential Witness’ privacy interests outweigh the presumption of public access to the information contained in the limited proposed redactions.” [Id.; see also ECF No. 125 at 3 (“[T]he Court finds that CW-4’s privacy interests outweigh the presumption of public access to the information contained in the proposed sealed document.”).] Additionally, the Opposition quotes from already-sealed documents reflecting “the mental impressions,

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strategy, and opinions of Plaintiff's counsel and private investigator." [ECF No. 121 at 4.] With regard to these documents, the Court's Order held that "Plaintiff's interests in limiting the dissemination of confidential material outweigh the presumption of public access to the information contained in the proposed sealed documents." [*Id.*]

The Exhibits are excerpts of the deposition transcripts of Additional Representative Plaintiff Chad Lindsey Moshell and Lead Plaintiff David Cohn. Defendants are publicly filing redacted copies of these exhibits, redacting only the same information—specifically, the names and job descriptions of the Confidential Witnesses—that was the subject of the letter motions to seal previously granted by this Court. [See ECF Nos. 107, 121, 125.]

Accordingly, in continued compliance with the Court's previous orders, and with *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006) and other authorities, Defendants respectfully request that they be permitted to file the Opposition and Exhibits under seal and to file a public version of the Opposition and Exhibits redacting information quoted from the exhibits this Court previously ordered sealed.

Respectfully submitted,

/s/ Jonathan D. Polkes

Jonathan D. Polkes

cc: All counsel of record (by ECF)

The request is granted. Defendant shall ensure that the sealed and public redacted documents are filed in accordance with the Court's Individual Rules.

SO ORDERED. Date: September  
28, 2021

New York, New York

  
JOHN P. CRONAN  
United States District Judge